

HOFFMAN, Senior Judge

Defendant-Appellant John Wondra appeals from the trial court's order in which it reinstated his probation. We dismiss.

Wondra questions whether the trial court had jurisdiction to reinstate his probation. However, the following issue is dispositive: whether Wondra's appeal is moot.

In 2001 and 2002, Wondra was charged with numerous offenses under three cause numbers. Wondra and the State eventually entered into a plea agreement that pertained to all three cause numbers. Under the plea agreement, Wondra pled guilty to operating while intoxicated, a Class C felony (FC-1936); operating with a blood alcohol content of .15% or more, a Class D felony (FD-5859); and operating while intoxicated, a Class A misdemeanor (CM-4241). The trial court accepted the plea agreement and sentenced Wondra to three years on the Class C felony (eighteen months of incarceration followed by eighteen months on work release), three years on the Class D felony (one year on home detention and two years suspended to probation), and one year on the Class A misdemeanor (suspended to probation). The trial court ordered that the sentences be served consecutively.

After completing his sentence in FC-1936, Wondra began the home detention portion of his FD-5859 sentence. However, Wondra subsequently tested positive for alcohol in the blood and was charged with violating his probation by consuming alcohol. Wondra admitted the violation on February 9, 2004, and, by agreement, he served the first year of his FD-5859 sentence in the Department of Correction. He was returned to probation for two years under the FD-5859 sentence, to be followed by one year of

probation under the CM-4241 sentence. Wondra's FD-5859 felony sentence was due to expire on June 16, 2006.

Due to a computer error, the probation department erroneously filed a notice with the trial court on February 14, 2006, in which it stated that Wondra had completed service of his FD-5859 probation. The trial court responded to the notice by discharging Wondra his FD-5859 probation. On February 28, 2006, the probation department made a home visit under the terms of Wondra's CM-4241 probation and discovered that Wondra had a high blood alcohol count.

On March 6, 2006, the probation department, after discovering that probation had been erroneously discharged, moved the court to reopen Wondra's FD-5859 probation. On March 7, 2006, the trial court vacated its earlier discharge order and returned Wondra to FD-5859 probation "as if no break ever occurred," by which the trial court intended to have his probation end on the original discharge date. On the same day, the probation day filed a notice of probation violation under both the FD-5859 sentence and the CM-4241 sentence. This notice was based upon Wondra's positive blood alcohol test at the home visit.

Wondra filed a motion to vacate the trial court's order reinstating the FD-5859 probation and to dismiss the notice of probation violation as it pertained to FD-5859. After a hearing, the trial court denied Wondra's motion to vacate its order reinstating the FD-5859 probation but granted the motion to dismiss the notice of probation violation as

it pertained to FD-5859.¹ Wondra now appeals the trial court's denial of his motion to vacate its order reinstating the FD-5859 probation.²

Wondra contends that the trial court lacked jurisdiction to reinstate his probation in FD-5859. The State points out that the probation ran its course without any negative effect arising from the reinstatement, and thus no effective relief can be granted on appeal. The State contends, and we agree, that the issue is moot.

An issue is generally deemed to be moot when the case "is no longer 'live' and the parties lack a legally cognizable interest in the outcome of its resolution." *Jones v. State*, 847 N.E.2d 190, 200 (Ind. Ct. App. 2006), *trans. denied*. The general rule in Indiana is that a case is deemed moot and may be dismissed "when no effective relief can be rendered to the parties before the court." *W.R.S. v. State*, 759 N.E.2d 1121, 1123 (Ind. Ct. App. 2001); *see also Richardson v. State*, 402 N.E.2d 1012, 1013 (Ind. Ct. App. 1980) (holding an issue moot when the appeal arose from a criminal sentence that had already been served). An exception to the general rule exists when (1) the issue involves a question of great public importance, and (2) the factual situation precipitating the issue is likely to recur. *W.R.S.*, *id.* An exception also exists where the issue is likely to recur and possible negative collateral consequences are involved. *Hamed v. State*, 852 N.E.2d 619, 622 (Ind. Ct. App. 2006).

¹ At a hearing on April 25, 2006, Wondra admitted to the charged violation under CM-4241. The trial court revoked his probation in that case and ordered him to serve the previously suspended one-year sentence in jail (minus credit time).

² The State argued in its brief that Wondra failed to file a timely notice of appeal. This court issued a show cause order, and Wondra subsequently showed that his notice of appeal was timely. Along with this opinion, this court is issuing an order discharging its show cause order.

As we note above, the reinstated FD-5859 probation period expired on June 16, 2006. The probation period was not prolonged by the reinstatement, and the March 2006 notice of violation was dismissed. There is no live issue pertaining to FD-5859 before this court, and there is no indication that the mistake leading to the termination and subsequent reinstatement of probation will recur. Furthermore, there is no evidence to establish that reinstatement created any collateral consequences. Accordingly, we dismiss Appellant's appeal as moot.

Dismissed.

SHARPNACK, J., and MAY, J., concur.